



**UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/084,787	05/21/98	HARASAWA	S FUJH13.010A

HELFGOTT AND KARAS  
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PM51/0209

EXAMINER

MOSKOWITZ, N

ART UNIT

PAPER NUMBER

3662

DATE MAILED: 02/09/99

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No. 09/084757	Applicant(s) HARRIS & RICHARDSON
Examiner N. J. L. L. L.	Group Art Unit 3662

--The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address--

## Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 15-16 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☒ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been
  - ☐ received.
  - ☐ received in Application No. (Series Code/Serial Number) 08/541788.
  - ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☒ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

Office Action Summary

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayata or Applicants' disclosure (Fig. 15) when taken with Yoshida or Bayart et al.

The former reference discloses an optical amplifier with an input terminal, an optical coupler, a detector, and an optical fiber amplifier. Fig. 15 of Applicants' disclosure is identified as prior art and contains similar components.

The latter references are directed to fiber optic amplifiers and teach the use of an optical filter positioned downstream of photodetectors to block radiation returned from the amplifier section towards a photodetector. See filter 26 of Yoshida and filter 24 of Bayart et al. This is taught to provide detector burnout protection and improved control signals to the pumps.

The difference between this prior art and the pending claims lies in the combination of an optical filter to the post coupler input of Hayata or Applicants' disclosed prior art. However, as this prior art taught the benefits of such filtering, the combination would have been obvious to one skilled in this art.

2. The specification is objected to as it is replete with grammatical and typographical errors. For example, as pages 1 and 2, the word "electrons" should be "photons". Correction is required.

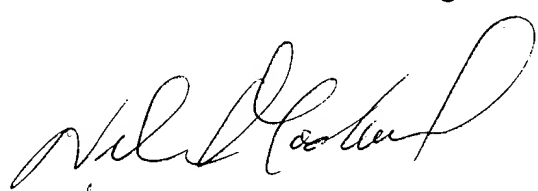
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In addition, applicant is required to submit a set of drawings corresponding to those filed with parent application 08/541788.

4. References B-D, O and U (PTO-892) are cited to show prior art optical fiber amplification systems with feedback and circuit protection. Note Fig. 7 of Tomita et al for use of an LWPF followed by OTDR and a CPU.

5. Any inquiry of a general nature or relating to the status of this application or preceding should be directed to the Group receptionist whose telephone number is (703) 306-4177.

Any inquiry concerning this communication should be directed to the undersigned examiner at telephone number is (703) 306-4165.



Moskowitz/cw  
February 4, 1999